

## Message Text

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ACTION EB-08

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FM AMEMBASSY LIMA

TO SECSTATE WASHDC IMMEDIATE 1103

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E.O. 11652: N/A

TAGS: EAIR PE

SUBJ: CIVAIR: RESUMPTION OF USG-GOP TALKS

REF: A. STATE 183945 B. STEIN-RIMAS TELCON, JULY 21 C. STATE 182690

1. ACTING CHIEF ECON/COMMERCIAL SECTION MET WITH PERUVIAN DIRECTOR GENERAL OF CIVIL AVIATION (DGTA) COL. LUIS SANCHEZ AND MINISTRY OF TRANSPORTATION LAWYER ALEJANDRO LEON DE VIVERO JULY 19 TO EXPLORE WHETHER THERE IS ANY POSSIBILITY THAT GOP WILL RELAX ITS POSITION ON A PRIORI CONTROLS OVER CAPACITY, ETC. FOLLOWING RECEIPT REF A AND CONVERSATION REF B, HE MET AGAIN WITH PERUVIANS TO TRANSMIT SUBSTANCE PARA 2 REF A. ON BOTH OCCASIONS PERUVIANS WERE CATEGORIC IN THEIR STATEMENTS THAT GOP CONTINUES TO ADHERE TO ITS POSITION. THEY REPEATED ARGUMENTS THAT A PRIORI CONTROLS ARE REQUIRED BY PERUVIAN LAW. BOTH SANCHEZ AND LEON, WHILE STRESSING THAT GOP WANTS CORDIAL CIVAIR RELATIONS WITH US, SAID THEY SHARE DEPARTMENT'S VIEW THAT UNDER PRESENT CIRCUMSTANCES ANOTHER ROUND OF TALKS WOULD NOT BE PRODUCTIVE.

2. DURING CONVERSATION IT BECAME APPARENT THAT SANCHEZ AND LEON HAVE MISUNDERSTANDING REGARDING WHAT WILL BE U.S.-PERU CIVIL AVIATION REGIME AFTER AUG 7. BOTH ARE IN AGREEMENT WITH OUR VIEW THAT WHEN 30 DAY EXTENSION OF 1975 UNDERSTANDING LAPSES  
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ON AUG 7, WE WILL REVERT TO REGIME OF THE 1946 AGREEMENT AS AMENDED IN 1966. HOWEVER THEY ARE UNDER IMPRESSION THAT TWO NEGOTIATING TEAMS HAD AGREED THAT STATUS QUO WITH RESPECT TO ROUTES, FREQUENCIES AND AIRCRAFT WILL REMAIN IN EFFECT UNTIL SUCH TIME AS PERMANENT AGREEMENT CAN BE REACHED. THAT IS, ROUTES AND FREQUENCIES ESTABLISHED IN 1975 UNDERSTANDING WILL CONTINUE IN EFFECT. THUS, DGTA OFFICIALS IN-

DICATED, IT IS UNLIKELY GOP WILL APPROVE PLANNED BRANIFF DALLAS/FORT WORTH-LIMA FLIGHT SINCE THIS ROUTE IS NOT SPELLED OUT IN 1975 UNDERSTANDING.

3. ECON OFF EXPLAINED THAT OUR UNDERSTANDING IS THAT 1975 UNDERSTANDING TERMINATED ON JULY 7, THAT ITS EXTENSION WILL END ON AUG 7 AND THAT NONE OF ITS PROVISIONS WILL CONTINUE AFTER AUG 7. WHEN HE POINTED OUT THAT LIKELY CONSEQUENCE OF GOP DENIAL OF BRANIFF DALLAS/FORT WORTH-LIMA REQUEST WOULD PROBABLY RESULT IN CORRESPONDING ACTION BY U.S. AVIATION AUTHORITIES, BOTH PERUVIAN OFFICIALS ACKNOWLEDGED THAT THIS WAS LIKELY SCENARIO. HOWEVER, NEITHER INDICATED THAT GOP PLANS ANY NEW INITIATIVE TO AVOID POSSIBLE CONFRONTATION.

4. ECON OFF ALSO NOTED FORTHCOMING ATTITUDE OF US CIVIL AIR AUTHORITIES IN GRANTING PERMITS FOR EXTRA FLIGHTS (REF C) AND INDICATED USG HOPE THAT GOP WOULD BE EQUALLY FORTHCOMING. SANCHEZ NOTED AEROPERU FLIGHTS IN QUESTION WERE CHARTERS AND SAID GOP HAD NO PROBLEM IN GRANTING PERMISSION FOR CHARTER FLIGHTS BY US AIRLINES.

5. AMBASSADOR'S COMMENT: MY TALKS WITH THE AIR AND TRANSPORT MINISTERS DID NO APPARENT GOOD AND I SUSPECT THAT NEITHER WANTS TO GET EMBROILED IN THIS ISSUE. I SHALL MAKE A LAST EFFORT WITH THE FOREIGN MINISTER BUT AM NOT OPTIMISTIC. THE GOP SEEMS FIRMLY COMMITTED TO LIMITED OFFICIAL USE

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THE PRINCIPLE OF A PRIORI CONTROL AND, IN MY JUDGMENT, WILL NOT MOVE FROM THAT POSITION IN THE PREVAILING CIRCUMSTANCES. SOME COMPROMISE, SUCH AS A GRADUAL PHASEOUT OF CONTROLS, MIGHT BE POSSIBLE IF WE WERE WILLING TO CONCEDE FURTHER, BUT EVEN IN THAT CASE IT WOULD BE DIFFICULT TO BE VERY HOPEFUL IN LIGHT OF THE DISINTEREST THE PERUVIANS HAVE SO FAR SHOWN IN ANY MOVE TO BREAK THE IMPASSE. I THINK IT BEST THAT WE LEAVE THE MATTER THERE FOR THE TIME BEING, MAKE NO EFFORT TO RESUME THE NEGOTIATIONS ABSENT A GREATER INTEREST ON THE PERUVIAN SIDE AND INFORM THE GOP - IN WRITING - OF WHAT HAPPENS ON AUGUST 17.

6. ACTION REQUESTED: IN LIGHT OF THE MIDUNDERSTANDING REPORTED IN PARA 2 ABOVE, WE BELIEVE IT ADVISABLE TO MAKE IT A MATTER OF FORMAL RECORD THAT ON AUGUST 7 CIVIL AIR RELATIONS BETWEEN THE TWO COUNTRIES WILL ONCE AGAIN COME UNDER THE 1946 AGREEMENT, AS AMENDED IN 1966, AND THAT NO PROVISION OF THE 1975 UNDERSTANDING WILL REMAIN IN FORCE. THE EMBASSY PROPOSES TO SEND THE FOREIGN MINISTRY A NOTE TO THAT EFFECT AND WOULD APPRECIATE RECEIVING ASAP FROM THE DEPARTMENT APPROPRIATE LANGUAGE FOR USE IN THAT

NOTE. SHLAUDEMAN

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